

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Santa Fe Hills (Lang) Minor Amendment
TPM 20975**

February 29, 2008

I. Introduction

The proposed project is a minor subdivision of a 10.22-acre property into four parcels ranging in size from 2.25 to 2.53 acres gross. The site is currently vacant. Development of the project would include grading for four building pads and associated driveways, construction of four homes, installation of four septic systems, and fire clearing around structures. Access to the project will be from Trailside Road with a private road extending onsite and terminating in a cul-de-sac. The proposed project also includes the extensions of sewer line.

The project site is located four miles west of Interstate 15, south of Trailside Road, west of Artesian Trail in the Community of San Dieguito, within the unincorporated portion of San Diego County (Assessor Parcel Number 267-142-09). This area is located within the Lake Hodges segment of the County's Multiple Species Conservation Program (MSCP). The project site is designated as "Minor Amendment" on the MSCP Subarea Plan Map (see Attachment A).

As described in Section 1.14.1 of the MSCP Subarea Plan, minor amendment properties contain habitat that could be partially or completely eliminated (with appropriate mitigation) without significantly affecting the overall goals of the County's Subarea Plan. Minor amendment properties must meet the criteria and achieve the goals for linkages and corridors as described in Sections 4.2.1 and 4.2.2 of the Metro-Lakeside-Jamul Segment of the Subarea Plan and provide mitigation consistent with the Biological Mitigation Ordinance (BMO). Minor amendments under County jurisdiction require the approval of the US Fish and Wildlife Service's Field Office Supervisor and the California Department of Fish and Game NCCP Program Manager.

The project site is surrounded by vacant lands of similar habitat value. However, the parcel immediately to the east is proposed for a similar subdivision and lands immediately to the east of that proposed development are in the City of San Diego and are currently being developed. MSCP Hardline Preserve lands are located approximately 780 feet southwest of the project site.

Biological resources on the project site were evaluated in a Biological Resources Report prepared by Tierra Environmental Services and dated April 12, 2007. The site contains 2.08 acres of Diegan coastal sage scrub and 7.45 acres, non-native grassland with the remaining 0.69-acre considered disturbed/developed. A northeast-southwest shallow trending drainage swale was determined to be non-jurisdictional as it supports upland habitat and does not have a defined channel.

The County determined that this site does not meet the criteria for a Biological Resource Core Area (BRCA) due to its surroundings. This small site is surrounded by other small parcels that are either developed or scheduled for development, and it is approximately 670 feet from the City of San Diego development to the east. It is also disconnected from MSCP preserve areas or lands with potential for linkages to BRCAs. Therefore, it is not an area in which mitigation/preservation should be focused. However, some on-site preservation is required in order to avoid particularly sensitive plant species in accordance with the BMO. A 15-foot trail easement runs along the north side of the project. The trail easement is not required to be built and is also considered impact neutral. At the time the trail is built, mitigation will be required for any temporary and/or permanent impacts to habitat.

One rare plant population occurs on site: California adolphia (*Adolphia californica*). California adolphia is a County Group-B rare plant species that occurs on the northeastern portion of the site. Group B plants are typically rare, threatened or endangered in California but more common elsewhere. The California adolphia population on-site is comprised of 12 individuals. Also, several individuals occur just off-site. There will be no impacts to adolphia as an open space easement is proposed to protect the onsite population.

Thread-leaved brodiaea is a County Group-A rare plant species. Although this plant was detected on the site immediately to the east of the proposed project, surveys indicated that this species does not occur on-site.

Focused surveys for the California gnatcatcher (*Poliioptila californica californica*) were conducted by Varanus Biological Services, Inc. in July 2004 in accordance with US Fish and Wildlife Service (USFWS) protocol. No California gnatcatchers were detected onsite. However, the gnatcatcher has been observed within the project vicinity and is thus the gnatcatcher is rated with a high potential to occur on-site.

As shown in Table 1, there will be onsite impacts to 1.95 acres of coastal sage scrub and 6.8 acres of non-native grassland. Off-site impacts were also calculated for improvements to Trailside Road. This would result in a 0.08-acre impact to coastal sage scrub and a 0.04-acre impact to non-native grassland. Impacts to these sensitive habitats will be mitigated off-site in accordance with the BMO. As such, coastal sage scrub impacts shall be mitigated at a 1:1 ratio for a total of 2.0 acre-credits of Tier II or higher tier to be purchased in a mitigation bank in the MSCP. Non-native grassland will be mitigated at a 0.5:1 ratio for a total purchase of 3.4-acre credits. No mitigation is required for the Tier IV disturbed/developed lands.

As stipulated in the Mitigated Negative Declaration for the project, the subdivider will be required to dedicate the proposed open space areas to the County and to the California Department of Fish and Game. The off-site purchase of coastal sage scrub, non-native grassland within mitigation banks (located in BRCA lands) is also

required. Additional required mitigation, as detailed in the Mitigated Negative Declaration, include the following measures:

- Dedication of a Limited Building Zone Easement (fire-clearing buffer) to prevent future fire clearing within open space.
- Placement of permanent fencing and open space signs at the open space boundaries.
- Placement of silt fencing just prior to any grading or clearing on-site.

In order to complete the proposed minor amendment to the MSCP, the County is requesting concurrence from the US Fish and Wildlife Service's Field Office Supervisor and the California Department of Fish and Game NCCP Program Manager. Once written concurrence is received, and all mitigation measures completed, the amendment will result in the re-designation of the property from "Minor Amendment" to "Take Authorized" (areas outside of open space) and "Preserved" (areas within open space).

Table 1. Impacts to Habitat and Required Mitigation (measured in acres)

Habitat Type	Tier Level	Existing On-site	Proposed Impacts On-Site	Proposed Impacts Off-Site	Total Impacts	Mitigation Ratio	Open Space (not mitigation)	Required Mitigation (Off-Site)
Diegan coastal sage scrub	II	2.08	1.95	0.08	2.03	1:1	0.13	2.0
Non-native Grassland	III	7.45	6.80	0.04	6.84	0.5:1	0.65	3.4
Disturbed/Developed	IV	0.69	0.69	-	0.69	N/A	0.00	NA
Total:	--	10.22	9.44	0.12	9.56	--	0.78	5.4

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Report prepared by Tierra Environmental Services dated April 12, 2007. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the California Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the

Endangered Species Act) shall be conveyed only after the California Department of Fish and Game and the US Fish and Wildlife Service have concurred with the proposed minor amendment, the project has been approved by the County, these MSCP Findings are adopted by the decision maker or hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is located outside of any areas shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest PAMA is located along the San Dieguito River, about three quarters of a mile west of the project site. MSCP Preserve lands are located approximately 780 feet southwest of the project site (see Attachment A).

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is not contiguous with MSCP Preserve Lands or PAMA. Rather, it is immediately surrounded by small residential parcels to the north, west, and south, and by large development within the City of San Diego to the east. The site does support twelve individuals of California adolphia. Despite the occurrence of this rare plant on the property, the site still does not qualify as a BRCA. As defined in Section 86.508 of the BMO, a BRCA "shall mean land that qualifies as an integral component of a viable regional ecosystem according to the criteria and procedure set out in Section 86.506." Overall, the findings set out here and in Section 86.506 of the BMO are meant to

identify areas where a preserve system can be achieved with habitat connectivity to support a range of species and sensitive resources. This minor amendment area in the Lake Hodges Segment will not accommodate such a system. Moreover, any open space placed on the Santa Fe Hills property would not qualify as suitable mitigation land since it could not meet preserve design criteria set forth by the BMO (Attachment G). Therefore, off-site mitigation is more appropriate in order to meet the habitat linkage and BRCA goals of the MSCP. The extent of the California adolphia population will still be preserved and protected on-site.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement as it lacks connecting vegetation and visual continuity with other potential habitat areas in the general project vicinity. Development is currently proposed and underway to the east, and additional development is proposed north of the site. MSCP preserve lands are located 780 feet southwest of the site, with several small residential parcels in between the site and the MSCP preserve. The site is not located within the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher. And a US Fish and Wildlife Service protocol survey for the California gnatcatcher was conducted in July 2004 to ensure that this federally threatened species would not be affected by the proposed project. The survey produced negative results. However, it was concluded that there is still a high potential for this species to occur on-site given confirmed sightings in the project vicinity.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The project site was rated with both high and very high value on the Habitat Evaluation Map. However, this land has been affected by existing and proposed development. Additionally, there is surrounding parcelization preventing any linkage of significant blocks of habitat.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The Santa Fe Hills property is located with a minor amendment area of the Lake Hodges Segment, which is 380 acres in area. The project site is surrounded by properties with similar vegetation as that on-site. The lands to the north, west and south are primarily non-native grassland with fragments of coastal sage scrub; a product of abandoned agricultural activities and heavy grazing. About half of the properties within this minor amendment area are already developed with residential and agricultural uses, while the remaining parcels are small in size and expected to be developed with single-family homes and on-site septic systems. The lands to the east are currently being developed for residential use also. As such, the property is not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The project site does not contain a high number of sensitive species (12 individuals of California adolphia). The site is not adjacent to or contiguous to surrounding undisturbed habitats. Immediately to the north, west and south are properties containing similar vegetation: non-native grassland with small patches of coastal sage scrub. The rest of this minor amendment area is 380 acres in size and is about 50% developed with single-family residences and agriculture. The site contains metavolcanic and clay soils. Based on the above findings, and the general intent of the MSCP and BMO, it does not qualify as a BRCA. Though the site supports Huerhuero soil (clay soil) and one rare plant population, it is not part of a potential regional preserve system. MSCP conservation goals and regulations were not implemented to preserve small areas with isolated populations, but to manage large areas of diverse habitats with long-term viability. Therefore, despite the sensitive

species and soils on site, the subject property does not meet the criteria for a BRCA.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation will take place off site with the purchase of credits in a County-approved mitigation bank, within a BRCA in the MSCP.

The open space proposed on-site for this project is solely for purposes of avoiding a sensitive resource. This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

Project development has been situated to avoid impacts to a sensitive plant species, *California adolphia*. The proposed easement will not be considered part of the MSCP preserve system, but rather avoidance of sensitive plant species. Since the site is not considered a BRCA and more suitable for development, off-site mitigation for habitat impacts is more appropriate than onsite preservation.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

Although clustering could not be applied for only four lots on ten acres, the proposed locations for development were chosen as a means to achieve avoidance of sensitive resources.

- 3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

Steep slopes, as defined by the Resource Protection Ordinance, do not occur on the project site. As such, encroachment into steep slopes could not be applied to further reduce impacts.

- 4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

Minimum private road standards have been applied to the on-site proposed private road. Off-site road improvements are required as part of the project and must be to county standards for safety purposes.

- 5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

Findings set forth in Attachments G and H of the BMO are not applicable to the project since the project site is not located within a Biological Resource Core Area and the project will not affect any Linkages or Corridors.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The project site is not located within a Pre-Approved Mitigation Area, a Preserve Area, or a Biological Resource Core Area. On-site open space is proposed in order to preserve one rare plant population, California adolphia. However, the on-site open space does not meet MSCP preserve design criteria and is not being used for mitigation credit for impacts. Rather, the open space is proposed in order to meet avoidance requirements for rare plants. As such, preserve design criteria do not apply.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, findings shall be required to protect the biological value of these resources.

No linkages or corridors occur on or near the project site. Therefore, the findings set forth in Attachment H of the BMO do not apply to the project.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

One small drainage swale occurs on-site, but does not qualify as a wetland by county, state or federal standards. A USGS blue line stream occurs off-site to the west of the project, but will not be impacted by the project. Therefore, it has been determined that the project will not result in any impacts, on- or off-site, to state or federal wetlands.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The project site supports fragmented coastal sage scrub and non-native grassland. Thus, the site does not support a highly diverse range of habitat types. The property does contain clay soil along with one sensitive plant species. The project has been designed to preserve the sensitive plant species with a proposed biological open space easement in the north eastern portion of the property. Since large, interconnected preservation of high quality habitat could not be achieved in the project area, off-site mitigation for habitat impacts will be more effective in maximizing diversity and preserving unique habitat features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The site has been ranked as high and very high value by the Habitat Evaluation Model. However, the habitats found on site are considered to be of low quality due to existing and proposed development. There are several remnant, disconnected patches of coastal sage scrub on-site. The proposed off-site mitigation for both coastal sage scrub and non-native grassland will be located within a Biological Resource Core Area and will add to spatially representative examples of extensive patches of high-value habitat.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project site is not considered a BRCA and thus offsite preservation is more appropriate and will provide for the creation of significant blocks of habitat. The onsite open space is provided to avoid a sensitive plant species. Although the on-site easement is not contributing to a significant block of habitat, edge effects will be reduced through the use of fencing and signage and a limited building zone easement that will separate the proposed development from the biological open space.

- 5. The project provides for the development of the least sensitive habitat areas.**

The project site supports Tier IV, Tier III and Tier II habitat. Tier I habitat is considered the most sensitive, but does not occur on-site. In terms of sensitivity, the non-native grassland and coastal sage scrub that supports California adolphia will be preserved. Since the site is not considered a BRCA and more suitable for development, off-site mitigation will provided. Thus, through avoidance of on-site population of a sensitive plant species, the project has provided for the development of the least sensitive habitat area.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The site does not contain key regional populations of covered species. Thus, conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub associations in biologically functioning units is not required.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project will not affect any large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule Deer, Golden Eagles and large predators. The project site is approximately two miles southeast of the golden eagle nest in Lake Hodges; however, the project site and surrounding minor amendment properties are not expected to provide foraging habitat for the species. The occasional mule deer or coyote that might cross the property will continue to do so just south and/or west of the property. The wildlife

that would travel across the property tend to be smaller species that reside in heavily developed regions and have adapted to urban habitat, such as coyote, woodrat, and Audubon's cottontail.

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The site supports one rare plant population: California adolphia (*Adolphia californica*). California adolphia is a County Group-B rare plant species that occurs on the northeastern portion of the site. The California adolphia population on site is comprised of about 12 individuals, all of which will be preserved.

- 9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

This site is disconnected from any designated areas of Planned Preserve or PAMA areas within the Subarea Plan. The nearest PAMA is located along the San Dieguito River, about three quarters of a mile west of the project site. MSCP Preserve lands are located approximately 780 feet southwest of the project site. The proposed development will not create any barriers, edge effects or fragmentation within a biological resource core area of the MSCP. The project site is not within an area of regional significance with regard to conservation of sensitive habitats. The site's proximity to surrounding residential development (existing and proposed) lower the potential for the site to aid in conservation or wildlife dispersal. Developing the site will not hinder possible preserve systems. Therefore, it has been found that the project will not jeopardize the assembly of a preserve system within the Subarea Plan.

- 10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The proposed on-site preservation is for the protection of sensitive plant species and will not be used as mitigation credit. However, the project proposes to minimize edge effects to these open space areas by dedicating a Limited Building Zone Easement adjacent to open space boundaries, placing fencing between development and open space, and posting open space signs around the area to be preserved.

- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site is not within a Biological Resource Core Area and is located 780 feet from MSCP preserve lands. Therefore, the project is not expected to impact BRCA lands and impact to BRCA lands has been avoided. Coastal sage scrub and non-native grasslands are the only habitat types found on or near the project site. These are Tier II and Tier III habitats, respectively and have been determined to be of low biological value due to existing and proposed development. Project impact to these sensitive resources will be mitigated off-site within a BRCA.

One sensitive plant species occurs on-site. California adolphia is a Group-B plant (rare, threatened or endangered in California but more common elsewhere). The project will preserve the on-site population. Thus, every effort has been made to avoid impacts to this sensitive species.

Department of Planning and Land Use
July 30, 2007

MSCP Designation For TPM 20975

